

REMARKS

Claims 1-6 are pending in the present application. Claims 1 and 6 are amended. No new matter is inserted into the application.

Rejection under 35 U.S.C. §103(a)

In the Advisory Action dated March 12, 2002, the Examiner maintains the rejection of claims 1-6 under 35 U.S.C. §103(a), for allegedly being obvious over the combination of Lindberg et al. (Pharmacology & Toxicology) in view of Clerico et al. (Clinical Chemistry). Applicants respectfully traverse. Reconsideration of the claims and withdrawal of the instant rejection are respectfully requested.

Claims 1 and 6 are amended to further distinguish the instant claims over the prior art by inserting language excluding the addition of any degradation-inhibiting agents from the containers. Support for the amendment to claims 1 and 6 is found in the specification, particularly on page 2, lines 4-6, page 3, lines 6-9, and page 4, lines 18-19.

The prior art references cited by the Examiner require that degradation-inhibiting agents, such as aprotinin or HAS, are necessarily added to the storage containers so that the natriuretic

peptides did not degrade. For example, on page 281, column 1, fourth paragraph of Lindberg et al., it is disclosed that the adsorption of ANP can easily be avoided by the addition of HAS (Human serum albumin). Clerico et al. teaches on page 1628, column 1, fifth paragraph, that blood samples were put into disposable polypropylene tubes containing aprotinin. Thus, the prior art relied upon by the Examiner teach that the greatest recovery of ANP is achieved by an addition of HAS and/or aprotinin to the container.

In contrast to the prior art, the instant method does not require the use of these additional degradation-inhibiting agents. This feature is now recited in the independent claims. For these reasons, Applicants respectfully submit that the prior art references fail to make the present invention obvious. Withdrawal of the instant rejection is therefore respectfully requested.

Summary

All of the present claims define patentable subject matter such that this application should be placed into condition for allowance. Early and favorable action on the merits of the present application is thereby requested.

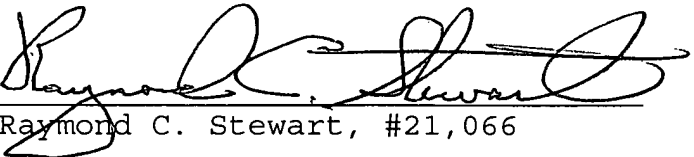
If there are any minor matters precluding allowance of the present application which may be resolved by a telephone discussion, the Examiner is respectfully requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at (703) 205-8000.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment: Version with Markings to Show Changes Made

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims have been amended as follows:

1. (Four Times Amended) A method for inhibiting the degradation of mammalian natriuretic peptides in a specimen, comprising:

placing the specimen into a container excluding the addition of any degradation-inhibiting agents, wherein the face coming into contact with the specimen is made of or coated with a material,

wherein said material inhibits the activation of a substance, which substance if not activated, cannot degrade the mammalian natriuretic peptides and is selected from the group consisting of silicone and plastics.

6. (Three Times Amended) A method for measuring mammalian natriuretic peptides in a specimen, comprising the steps of:

employing a container excluding the addition of any degradation-inhibiting agents, upon handling the specimen, comprising a material, wherein said material inhibits the activation of a substance, which substance if not activated, cannot

degrade the mammalian natriuretic peptides and is selected from silicone or plastics; and

measuring the mammalian natriuretic peptides by standard means.